

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re

LINDA ENDRES GRECO

Debtor

Chapter 11

Case 24-44301-ess

**MEMORANDUM IN SUPPORT OF FRBP
2004 MOTION**

Re: ECF [#27](#)

Creditor STRATA Trust Company, Custodian FBO Peter Fioretti (“STRATA”) submits this memorandum in support of NH Smith Lender LLC’s FRBP 2004 motion and states:

1. The motion seeks discovery of the debtor concerning entities in which she has or may have an interest.
2. STRATA is interested in the requested discovery, especially given the absence of a committee.
3. It is well established that “[a]s a general proposition, Rule 2004 examinations are appropriate for revealing the nature and extent of the bankruptcy estate and for ‘discovering assets, examinations and determining whether wrongdoing has occurred.’” *In re Enron Corp.*, 281 B.R. 836, 840 (Bankr. S.D.N.Y. 2002).
4. The debtor objects to the motion on the ground that it lacks standing because the movant has a judgment against the debtor’s husband but not her. (ECF [#33](#).)
5. This ignores that NH Smith Lender LLC has filed a claim (Claim #15), contending that the debtor is the trustee of two trusts (G Holdings Trust and Ann Enders Irrevocable Trusts) against which monetary contempt sanctions were ordered, and which is presumptively allowed under FRBP 3001(f). The debtor’s response is simply that her “positions ... as a trustee of certain family trusts ... are not part of this Chapter 11 case.” That is insufficient to defeat discovery and in practical terms an admission that she is responsible for the contempt sanctions, but more to the

point the motion should be granted where, as here, another creditor (STRATA) that has no standing issue supports the requested discovery.

Dated: New York, NY
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Amini LLC

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